

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|---|------|-------|----------------|
| | Item | Page | -2003 | (Comm. 12D-7) |
| a. | DEP: SEQR – Negative Declaration Sherwood Greenway.
(5-0) | | | |
| | Item | Page | -2003 | (Comm. 12E-40) |
| b. | COUNTY EXECUTIVE: ECSD No. 1 – Engineering Service Agreements – Work Order – URS-5, Comm. 18E-41.
(5-0) | | | |
| | Item | Page | -2003 | (Comm. 12E-41) |
| c. | COUNTY EXECUTIVE: ECSD Nos. 2, 4 & 6 – Pumping Station Structural/Cathodic Protection Rehabilitation – Contract No. 58PS – Change Order No. 2. | | | |
| | Item | Page | -2003 | (Comm. 12E-47) |
| d. | COUNTY EXECUTIVE: ECSD No. 6 – Sludge Filter Press – Contract No. 28 STP “A” General Change Order No. 2.
(5-0) | | | |

AS AMENDED

2.	Item	Page	-2002	(Comm. 20E-47)
	COUNTY EXECUTIVE			
RESOLUTION NO. _____-2003				

BOND RESOLUTION DATED _____, 2003

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,925,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWER TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,925,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,925,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) June 26, 2003

(Adopted) _____, 2003

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly the resolution of this County Legislature dated _____, 2003, an increase and improvement of facilities of the Erie County-Southtowns Sewer Treatment Agency has been approved at an estimated maximum cost of \$4,925,000, and

WHEREAS, it is now desired to provide for the financing of said cost,
NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$4,925,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the increase and improvement of facilities of the Erie County-Southtowns Sewer Treatment Agency, consisting of the partial reconstruction of, and construction of improvements, alterations and energy efficiency measures to, the Southtowns Advanced Wastewater Treatment Facility, as more fully described in a report and estimate of cost approved by the Board of Managers of the Erie County-Southtowns Sewer Treatment Agency on April 24, 2003 and filed with the County Legislature pursuant to Section 268 of the County Law; and the total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,925,000. The plan of financing includes the issuance of \$4,925,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg, and (vi) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$4,925,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$4,925,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which \$4,925,000 bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00 and 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the County Comptroller, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.
(5-0)

AS AMENDED

3. Item Page -2002 (Comm. 24E-11)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Nussbaumer & Clarke, Inc., to complete the design and construction engineering services associated with the Overflow Retention Facility and other Appurtenances in Erie County Sewer District No.1, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all engineering services are complete and the design/construction claims are settled, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance and close out of the A/E Agreement dated September 22, 1993 with Nussbaumer & Clarke, Inc., in the final contract amount of \$1,235,303.88 which include Engineering Change Order No.6 in the amount of \$102,760.52 and the processing of the final payment.

WHEREAS, the Erie County Division of Sewerage Management has further recommended the closeout of the agreement and the processing of the final payment be conditioned on the dismissal of an appeal pending before the Rochester Appellate Division on a differing site condition claim related to this project.

NOW, THEREFORE, BE IT

RESOLVED, that Engineering Change Order No.6 in the amount of \$102,760.52 with Nussbaumer & Clarke, Inc., be approved, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$102,760.52 from Sewer Capital Account SD No.1, Fund 430, Project 694, and be it further

RESOLVED, that the Engineering Agreement dated September 22, 1993 between the County of Erie and Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Buffalo, New York 14219-1494 be closed out in the final amount of \$1,235,303.88 which includes Engineering Change Order No. 6, and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to finalize the Engineering Agreement dated September 22, 1993 between the County of Erie and Nussbaumer & Clarke, Inc., in the amount of \$1,235,303.88 and make final payment from Sewer Capital Account SD No.1, Fund 430, Project 694, and release contract retention held in Sewer Capital Account SD No.1, Fund 430, Project 515, and be it further

RESOLVED, that the final closeout of Engineering Agreement and final payment to Nussbaumer & Clarke, Inc. is hereby conditioned on the County of Erie/Erie County Sewer District No. 1 receiving a favorable decision on the appeal pending before the Rochester Appellate Division of the Supreme Court concerning a differing site condition claim related to this project.

RESOLVED, that the Clerk of Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy Comptroller.
(5-0)

			AS AMENDED
4.	Item	Page	(Comm. 24E-12)
		-2002	

COUNTY EXECUTIVE
WHEREAS, the Erie County Legislature had awarded Contract No. 1A to Kenaidan Construction Corp.; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all scheduled improvements are now complete and all construction claims are settled; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract No. 1A in the amount of \$8,094,809.24 which includes Change Order No. 8 (final), a decrease in the amount of (\$56,091.76) and approval of final payment; and

WHEREAS, the Erie County Division of Sewerage Management has further recommended the closeout of the contract and the processing of the final payment be conditioned on the dismissal of an appeal pending before the Rochester Appellate Division of the Supreme Court on a differing site condition claim related to this project.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 1A between the County of Erie and Kenaidan Construction Corp., 430 Lawrence Bell, Suite 16, Williamsville, New York 14221 be accepted in the amount of \$8,094,809.24 which includes Change Order No. 8 (final), a decrease in the amount of (\$56,091.76); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 1A between the County of Erie and Kenaidan Construction Corp. in the amount of \$8,094,809.24 and make final payment from Sewer Capital Account SD No. 1, Fund No. 430, Project No. 694; and be it further

RESOLVED, that the final closeout of Contract 1A-General and final payment to Kenaidan Construction Corp. is hereby conditioned on the County of Erie/Erie County Sewer District No. 1 receiving a favorable decision on the appeal pending before the Rochester Appellate Division of the Supreme Court concerning a differing site condition claim related to this project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified

copy each to Gregory Dudek, Assistant County Attorney and John S. Rizzo, Deputy County Comptroller.
(5-0)

5.

Item

Page

-2003

AS AMENDED
(Comm. 2E-32)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for the Milestrip Road Sanitary Sewer Modification, Contract No. 14H, on May 29, 2003,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 14H	Visone Construction, Inc. 79 Sheldon Avenue Depew, NY 14043	\$85,120.00

and

WHEREAS, there is available fund balance in ECSD No.3 to fund this contract.

and

WHEREAS there is \$5,120.00 available in ECSD No.3 Sewer Operating Account No. 220-853-830-823 (Repairs and Maintenance).

NOW, THEREFORE, BE IT

RESOLVED, that the Milestrip Road Sanitary Sewer Modification, Contract No. 14H, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 14H	Visone Construction Inc. 79 Sheldon Avenue Depew, NY 14043	\$85,120.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller’s Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$80,000.00 from Erie County Sewer District No. 3, Fund Balance 220-853-299 and this amount is hereby transferred to use

of Fund Balance 220-853-831-698105 and Repairs and Maintenance 220-853-830-823; and be it further

RESOLVED, that the remaining \$5,120.00 will be allocated from the existing balance in ECSD No.3, Sewer Operating Account No. 220-853-830-823; and it be further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to Nancy Naples, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.
(5-0)

			AS AMENDED
6.	Item	Page	(Comm. 4E-27)
		-2003	
	COUNTY EXECUTIVE		

WHEREAS, the Erie County Legislature had awarded Contract "B", to Joseph Davis, Inc. for the Erie County Sewer District Nos. 1, 4 & 5 Northern Region Administration Building Project; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract "B" in the final contract amount of \$244,085.06 which includes Change Order No. B-2 (final) an increase of \$3,068.06, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract "B" between the County of Erie and Joseph Davis, Inc., 120 West Tupper Street, Buffalo, New York, 14201-2192 is accepted in the amount of \$244,085.06, which includes Change Order No. B-2(final) an increase of \$3,068.06, and final payment is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract "B" between the County of Erie and Joseph Davis, Inc in the amount of \$244,085.06 and make final payment from Sewer Capital Account SD #1, 4 & 5, Fund No. 430, Project No. 916; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to the Director of Budget and Management, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.
(5-0)

7.

Item

Page

-2003

AS AMENDED
(Comm. 9E-25)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for the Hyland Avenue Pumping Station Elimination and Interceptor Sewer Project, Contract No. 23 on June 3, 2003.

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 23	Tom Greenauer Development Inc. P.O. Box 250 Springbrook, New York 14140	\$232,120.30

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Hyland Avenue Pumping Station Elimination and Interceptor Sewer Project, Contract No. 23, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 23	Tom Greenauer Development Inc. P.O. Box 250 Springbrook, New York 14140	\$232,120.30

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller’s Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$232,120.30 from Sewer Capital, Erie County Sewer District No. 1, Fund No. 430, Project No. 694, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller’s Office and to Gregory Dudek, Assistant County Attorney.

(5-0)

8. Item Page -2003 **AS AMENDED**
(Comm. 9E-44)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsive bid for the Losson Subtrunk Sanitary Sewer Project, Contract No. 17, on May 29, 2003,

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No.17	Milherst Const., Inc. P.O. Box 631 Getzville, New York 14068-0631	\$741,381.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Losson Subtrunk Sanitary Sewer Project, Contract No. 17, be awarded to the lowest responsive bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 17	Milherst Const., Inc. P.O. Box 631 Getzville, New York 14068-0631	\$741,381.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$741,381.00 from Sewer Capital, Erie County Sewer District No. 1, Fund No. 430, Project No. 694, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

(5-0)

	Item	Page	-2003	AS AMENDED (Comm. 11E-38)
9.	COUNTY EXECUTIVE			

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Sanitary Sewer Extension Project, Contract No. 31SA, on June 10, 2003

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 31SA	C. Destro Development Co., Inc. 3150 Seneca Street West Seneca, N.Y. 14224	\$535,487.00

and

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Sanitary Sewer Extension Project, Contract No. 31SA, be awarded to the low bidder as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract No. 31SA	C. Destro Development Co., Inc. 3150 Seneca Street West Seneca, N.Y. 14224	\$535,487.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$535,487.00 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 111, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office and to Gregory Dudek, Assistant County Attorney.

(5-0)

10. Item Page -2003 (Comm. 12E-20)

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to remediate brownfields and vacant industrial sites within Erie County for the purpose of creating opportunities for productive reuse of these properties; and

WHEREAS, The Excelsior Steel Ball property located at 303 Woodward Avenue in the Town of Tonawanda is a vacant and abandoned property that currently owes over \$120,000 in back taxes and contains blighted structures and buildings that are known or suspected brownfields; and

WHEREAS, The New York State Department of Environmental Conservation has a Voluntary Cleanup Program which oversees the remediation of brownfield sites and provides a release of liability upon completion; and

WHEREAS, The Town of Tonawanda and the Erie County Industrial Development Agency have been partners with Erie County in brownfield remediation and demolition projects; and

WHEREAS, That the Erie County Industrial Development Agency has released \$30,000 in unspent Regionalism/Economic Development funds that are surplus funds from the Tonawanda Grain Mill demolition project; and

WHEREAS, That the Erie County Industrial Development Agency has released \$48,800.00 in unspent funds from the Spaulding Fibre Project; and

WHEREAS, That there is \$196,682.67 in unspent 1999 and 2000 funds from the Quaker Center Industrial Park project,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Town of Tonawanda and the Erie County Industrial Development Agency in amounts not to exceed a total of \$275,482.67, for the purpose of providing services and activities including brownfield testing and remediation, and demolition; and be it further

RESOLVED, That the source of funds for these contracts shall be as follows:

1. \$30,000 of unanticipated revenue from a Refund of Prior Year Expenses from the Tonawanda Grain Mill demolition project;
2. \$48,800 of unexpended funds from the Spaulding Fibre project, which are available for transfer from Agency Payments monitored by the Department of Environment and Planning, Erie County Industrial Development Agency (DAC 110 922302830139); and

3. \$196,682.67 of unexpended funds which are available for transfer from Agency Payments monitored by the Department of Environment and Planning, Quaker Center Industrial Park (DAC 110 9223028301194); and be it further

RESOLVED, That the funds listed above shall be transferred to a separate sub-account under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the County Executive is authorized to enter into contracts with New York State and the Town of Tonawanda for the purpose of participating in the New York State Voluntary Cleanup Program; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.
(5-0)

11. Item Page -2003 (Comm. 12E-38)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Stearns & Wheler, LLC Environmental Engineers & Scientists by Agreement dated June 1, 2002 to provide engineering services on various capital improvements at the Southtowns Wastewater Treatment Facility; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management, is interested in expanding the engineer's scope of services to include the engineering work tasks required in the design/construction of a cold storage building on the property of the Southtowns Wastewater Treatment Facility; and

WHEREAS, the Department of Environment and Planning is recommending approval of Engineering Change Order No.2 to the Stearns & Wheler, LLC Environmental Engineers & Scientists Agreement dated June 1, 2002 in an amount not to exceed \$79,004.00.

NOW, THEREFORE, BE IT

RESOLVED, that Engineering Change Order No.2 to the Stearns & Wheler, LLC Environmental Engineers & Scientists Agreement dated June 1, 2002 be approved at an increased amount not to exceed \$79,004.00, and be it further

RESOLVED, that the Deputy Commissioner of the Division of Sewerage Management is hereby directed to execute Engineering Change Order No.2 with the firm of Stearns & Wheler, LLC Environmental Engineers & Scientists, University Centre, 415 N. French Road, Suite 100, Amherst, NY 14202, to provide the needed engineering services; and be it further

RESOLVED, that the Erie County Comptroller is authorized and directed to allocate \$79,004.00 for payment of the change order from Sewer Capital, Erie County Sewer District No. 3, Fund 430, Project 915; and be it further

and be it further

RESOLVED, that a certified copy of this resolution be sent to Gregory Dudek, Assistant County Attorney, Charles J. Alessi, P.E., Department of Environment and Planning and the Erie County Comptroller's Office.
(5-0)

12. Item Page -2003 (Comm. 12E-39)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of TVGA Engineering, Surveying, P.C. to provide engineering services required in the design/construction of the Stahley Road Pumping Station in Erie County Sewer District No.5; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated April 29, 1996 with TVGA Engineering, Surveying P.C. at the final contract amount of \$90,094.84;

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated April 29, 1996, between the County of Erie and TVGA Engineering, Surveying, P.C. be formally closed in the final amount of \$90,094.84; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated April 29, 1996, between the County of Erie and TVGA Engineering, Surveying, P.C. and return the unused contract balance to unallocated account, Erie County Sewer District No.5 Fund No.430, Project 507 and Fund 430, Project 526; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and John Rizzo, Deputy Comptroller.
(5-0)

13. Item Page -2003 (Comm. 12E-42)

COUNTY EXECUTIVE

WHEREAS, Erie County assumed responsibility to operate the East Side Transfer Station (ESTS) under an Intermunicipal Cooperation Agreement with the City of Buffalo; and

WHEREAS, the resumption of operations at the reconstructed South Ogden Street location impacts on the ESTS budget; and

WHEREAS, the 2003 budget of the ESTS requires revision of expense and revenue accounts;
and

WHEREAS, student internships provide college students with valuable work experience to
compliment their academic studies; and

WHEREAS, an intern will assist the Department of Environment and Planning with the East
Side Transfer Station project work.

NOW, THEREFORE, BE IT

RESOLVED, that one Intern (part-time JG-1) position will be created in the Department of
Environment and Planning to assist with the East Side Transfer Station project work, and be it further

RESOLVED, that unanticipated revenue from residents and contractors in the amount of
\$37,942 is hereby appropriated to the East Side Transfer Station programs as follows:

Appropriations

<u>Account</u>	<u>Description</u>	
800	Personal Services	\$ 2,000
805	Fringe Benefits	226
825	Out-of Area Travel	1,000
830	Contractual Expenses	
sub-1476	Transfer & Tipping Fee Residents	<u>34,716</u>
Total		\$37,942

and be it further,

RESOLVED, that certified copies of this resolution be sent to the Director of Budget,
Management, and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael
Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County
Attorney.
(5-0)

DALE W. LARSON
CHAIRMAN